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UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 12 2004

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Notice of Non-Compliant Amendment (37 CFR 1.121)

Paper No.

The amendment document filed on 12-1503 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Ulane Williams  
Legal Instruments Examiner (LIE)

707-705-2758  
Telephone No.



1651

Attorney Docket No. 30471.59103RCE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: X. Yang, et al.

Art Unit: 1651

Serial No.: 09/755,205

Filing Date: January 4, 2001

Confirmation No.: 4832

Examiner: Vera Afremova

For: ***OOCYTE VITRIFICATION TECHNIQUE***

Mail Stop: NON-FEE AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANCE**

Sir:

In response to Notice of Non-Compliant Amendment dated January 13, 2004, Applicants resubmit in its entirety the entire "Amendments to the Claims" section of the previously submitted amendment document (mailed December 12, 2003). Applicants submitted this section as "Listing of the Claims", which is believed to correspond to "Amendments to the Claims".

The claims have been renumbered in ascending order with proper dependency for the dependent claims.

Applicants believe that this paper is responsive to the Notice and is timely filed within the one month time limit set to expire on February 13, 2004.

Respectfully submitted,

Barbara S. Kitchell  
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**CERTIFICATE OF MAILING:** I hereby certify that this correspondence is being deposited with the United States Postal Service as "First Class Mail" in an envelope addressed to: Mail Stop: NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.

Name

Date